

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

* **DOCKET NO. 2:09-CR-352**

v.

* **SECTION: “FB” (2)**

GREGORIO GOMEZ

*

a/k/a Gregorio Gomez-Gonzalez

a/k/a Gregorio G. Gonzalez

*

a/k/a Gregorio Gonzalez

a/k/a Juan Gomez

*

a/k/a Juan G. Gomez

a/k/a Gabriel Cisneros

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FACTUAL BASIS

_____Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **GREGORIO GOMEZ** (hereinafter “**GOMEZ**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (hereinafter “agent”) would testify that on October 8, 2009, he encountered the defendant, **GOMEZ**, in Tangipahoa Parish, in the Eastern

District of Louisiana, after a referral from local law enforcement officers who had earlier arrested the defendant on state charges. Upon determining the defendant was illegally in the country, the defendant was detained and arrested by an Immigration and Customs Enforcement agent.

The agent would testify that he conducted record checks through various Immigration and Customs Enforcement databases, which revealed that the defendant was a citizen of Mexico and illegally present in the United States.

Documentation from the records of Immigration and Customs Enforcement Alien file, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **GOMEZ**, was removed from the United States to Mexico on or about March 23, 2004, at or near Hidalgo, Texas. A qualified Immigration and Customs Enforcement Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

Testimony of an official from United States Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **GOMEZ**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further, documents, court records, and other admissible evidence would show that on or

about November 16, 2001, in the New Jersey Superior Court at Somerset County, New Jersey, the defendant, **GOMEZ**, was convicted of sexual assault, an aggravated felony.

ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464	Date
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GREGORIO GOMEZ Defendant	Date
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SAMUEL SCILLITANI Assistant Federal Public Defender LA Bar Roll No. 21371 Attorney for the Defendant	Date
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